

Attorney's Docket: 2001US405
Serial No.: 10/002,710
Art Unit 1615

REMARKS

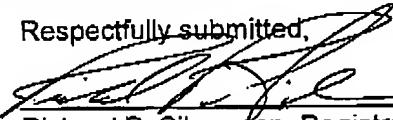
Reconsideration of the present Application in view of the following remarks is respectfully requested. Amendments were made to the claims in response to the request of the Examiner in a telephonic conversation with Applicant's representative, Mr. Silverman, on February 10, 2003. In claims 2-8, the term "characterized in that" was amended to recite -- wherein-. Claims 7 and 8 were amended to delete a second preferred range recited within a larger range. In claim 7, the range "more preferred less than 1% by weight," was removed and restated as new claim 18. In claim 8, the range "particularly preferred from 1% to 5% by weight" was deleted and restated as new claim 19. It is believed that no new matter is introduced by these amendments.

Claims 1-17 were provisionally rejected under the judicially created doctrine of double patenting over the claims of prior Patent No. 6,489,274. Applicant has herewith provided a Terminal Disclaimer which disclaims the terminal portion of the statutory term of any patent granted on the instant invention which would extend beyond the expiration date of the full statutory term of prior Patent No. 6,489,274 which is commonly owned and the extent of which is the whole of this invention. Therefore the provisional rejection of Claims 1-17 under the judicially created doctrine of double patenting over the claims of prior Patent No. 6,489,274 should be withdrawn.

It is respectfully submitted that, in view of the above remarks, the objection to the claims, and the rejection under the judicially created doctrine of obviousness-type double patenting should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,



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Attachments: Marked copy of amended claims,
Terminal Disclaimer

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Marked Copy of Amended Claims

2.(Amended) Leave-on composition according to claim 1, [characterized in that] wherein R in formula (1) is an alkyl group having from 6 to 14 carbon atoms.

3.(Amended) Leave-on composition according to claim 2, [characterized in that] wherein R in formula (1) is a n-octyl group.

4.(Amended) Leave-on composition according to claim 1, [characterized in that] wherein x in formula (1) is a number from 1 to 4.

5.(Amended) Leave-on composition according to claim 4, [characterized in that] wherein x in formula (1) is equal 1.

6.(Amended) Leave-on composition according to claim 1, [characterized in that] wherein the trimethyl-silylalkylsilsesquioxanes of formula (1) are substantially free of alkoxy silanes, chlorosilanes, silanol functionalities and organic and/or inorganic compounds.

7.(Amended) Leave-on composition according to claim 6, [characterized in that] wherein the trimethyl-silylalkylsilsesquioxanes of formula (1) contain less than 3 % by weight[, more preferred less than 1 % by weight,] of alkoxy silanes, chlorosilanes, silanol functionalities and organic and/or inorganic compounds.

8.(Amended) Leave-on compositions according to claim 1, [characterized in that] wherein they comprise from 0.5 % to 10 % by weight[, particularly preferred from 1 % to 5 % by weight,] of trimethylsilylalkyl-silsesquioxanes of formula (1).

9.(Amended) Leave-on composition according to [anyone of] claim 1 which is a topical skin care or a hair care product.